



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision Request for Variance Marceil Bradley/Tax Map 217, Lot 37**

**November 2, 2011**

**Applicant: Marceil Bradley  
PO Box 852**

**Center Harbor, NH 03226**

**Location: 18 Panther Path, Moultonborough, NH (Tax Map 217, Lot 37)**

On October 19, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Marceil Bradley (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B) (4) to allow for the construction of a sun deck with a portion of the deck (approximately 64 sq. ft.) within the required setback and stairs accessing the existing deck within the required setback located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 18 Panther Path (Tax Map 217, Lot 37).
- 2) The applicant is owner of record for the lot.
- 3) The applicant was represented at the Public Hearing by Louis Marcello.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The proposal calls for new construction of a sun deck and stairway to the existing house on the residential lot.
- 6) There was an existing non-conforming deck in the same location which was removed over one (1) year ago and had lost any grandfathering rights.
- 7) The only access and egress to the home is from the first floor, there currently is no means of access and egress from the second floor.

- 8) A portion of the existing dwelling is located within the fifty (50) foot lake setback. The closest point being approximately forty (40') feet from the highwater mark of the lake.
- 9) The NH DES Shoreland Permit by Notification was accepted by DES and a copy was produced for the Board at during the Public Hearing.
- 10) One (1) member of the public spoke in favor of the Variance request.
- 11) No members of the public spoke against the Variance request.
- 12) Granting the Variance will not be contrary to the public interest as the proposed deck and stairway will enhance the aesthetics of the home.
- 13) Granting the Variance is consistent with the spirit of the Ordinance as the addition of the deck and stairway is consistent with other uses and locations in the district.
- 14) By granting the Variance, substantial justice is done.
- 15) Granting the Variance does not diminish the value of surrounding properties as the surrounding properties as the neighborhood is largely comprised similar lakefront lots.
- 16) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope in which to build any addition.
- 17) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Crowe, Roseberry), and none (0) opposed to continue the Public Hearing to November 2, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the November 2, 2011 Regular Meeting.

The Public Hearing was continued to November 2, 2011. The Board of Adjustment closed the Public Hearing on November 2, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Heal, Roseberry, Zewski, Crowe), none (0) opposed, no (0) abstentions, to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_